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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,499	07/22/2002	Brian Johanski	9D-HL-20081	4857

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EXAMINER
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CHAUDHRY, SAEED T

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/064,499

Applicant(s)

JOHANSKI ET AL.

Examiner

Saeed T. Chaudhry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 18-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

Applicant's amendments and remarks filed June 7, 2005 have been acknowledged by the examiner and entered. Claims 1-29 are pending in this application for consideration.

### **Objection to Claims**

Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 2 recites the same limitations as claimed in claim 1, i.e. "spraying fresh water into the basket".

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

**Claims 1, 2, 4-7, 10, 11, 13-15 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Van Newenhizen et al in view of Morey.**

Van Newenhizen et al (5,199,127) disclose a method for operating a washing machine in a rinse cycle by rotating a basket at a first rate of rotation; spraying a predetermined quantity of

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water into the basket while the basket is rotating at the first rate; and rotating the basket at a second rate of rotation, the second rate of rotation greater than the first rate of rotation.

A spray of rinse water is directed onto the fabric during a first period of time as the fabric is rotating with and tumbling in the wash chamber. The rinse water is then drained from the wash chamber. Finally, the rinse water is removed from the fabric by spinning and draining the wash chamber (see abstract). Rotating the basket about a vertical axis. Terminating the spraying before rotating the basket at the second rate and repeat rotation of the basket at first rate and spraying water into the basket. The process of rinsing is repeated predetermined number of times (see claims 4 and 8). The fresh water is sprayed directly onto the spinning clothes load (see col. 11, lines 17-20). The reference do not specify that the clothes are saturated with water. But during the rinsing water is sprayed on the clothes for 4 minutes, which inherently saturate the clothes. The claimed process use “comprising” language, which do not exclude other steps. The reference fails to disclose continuously draining the sprayed water from the wash tub during said spraying a predetermined quantity of fresh water.

Morey (4,225,992) discloses a method of washing clothes wherein the water used in the washing and rinsing operation does not fill the basket but rather is only enough to saturate the garments for that they are soaping wet and it also is not recirculated back into the basket but is pumped to an external drain. The fresh water introduced into the basket is at a substantially reduced flow rate relative to the normal wash operation, and the wash and rinse operations are continuous with no centrifugal extraction operation after the continuous wash and rinse operation (see col. 8, lines 60-68).

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It would have been obvious at the time the applicant invented the claimed process to include a step of draining the rinse water rather than recirculating the rinse water as disclosed by Morey into the process of Van Newenhizen et al for the purpose of reducing the recontamination of the clothes by recirculated rinse water. Van Newenhizen et al. disclose that the water is removed by spinning the basket at high speed. Therefore, one of ordinary skill in the art would expect that by spinning longer period of time would remove more water from the clothes and manipulate the spinning period for better and efficient results. Further, one of ordinary skill in the art would manipulate the quantity of water depending on the load size, since smaller load requires less water than the larger load.

**Claims 3, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Newenhizen et al. in view of Morey as applied to claim 1 above, and further in view of Matsumoto et al.**

Van Newenhizen et al. and Morey were discussed supra. However, the references fail to pulse the water.

Matsumoto et al (5,768,730) disclose a method for cleaning laundry, wherein jet of liquid is pulsed which causes additional impact on the laundry. Thus enhancing the cleaning effect.

It would have been obvious at the time applicant invented the claimed process to include pulsing the water during spraying as disclosed by Matsumoto et al into the processes of Van Newenhizen et al. to enhance the cleaning effect.

**Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Newenhizen et al. in view of Morey as applied to claim 1 above, and further in view of Badger et al.**

Van Newenhizen et al. and Hardaway et al were discussed supra. However, the reference fails to disclose a step of deep fill rinse.

Badger et al (5,737,790) disclose that rinsing phases have customarily included “deep rinse” and/or spray rinse phases. During a deep rinse phase water is admitted to the spin tub to the same level used in the wash phase and the laundry load is agitated in the fresh water before the water is drained and a spin phase is carried out. In comparison, during a spray rinse phase the spin tub is rotated at a relatively high speed while water is sprayed onto the laundry load which is held against the base and walls of the spin tub by the rotation of the spin tub (see col. 1, lines 24-38).

It would have been obvious at the time applicant invented the claimed process to include a deep rinse cycle as disclosed by Badger et al in the processes of Van Newenhizen et al. for the purpose of removing soil and/or detergent from the clothes, which is not removed by the spray rinse cycle.

**Claims 1, 2, 4-7, 10, 11, 13-15 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hardaway et al in view of Morey.**

Hardaway et al. (5,233,718) disclose a method for operating a washing machine in a rinse cycle by rotating a basket at a first rate of rotation; spraying a predetermined quantity of water into the basket while the basket is rotating at the first rate; and rotating the basket at a second rate of rotation, the second rate of rotation greater than the first rate of rotation.

Rinsing fabric by spraying water directly onto said fabric and recirculating water to said wash chamber by spraying said recirculating water directly onto said fabric while spinning said wash chamber at a speed to effect less than a one gravity centrifugal force on said fabric such

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that said fabric will tumble within said wash chamber as it spins; draining said wash chamber of said rinse water while spinning said wash chamber at a speed to effect more than a one gravity centrifugal force on said fabric such that said fabric will not tumble within said wash chamber as it spins; and repeating steps (d) and (e) a predetermined number of times (see claim 1). The fresh water is sprayed directly onto the spinning clothes load (see col. 9, lines 14-15). The reference do not specify that the clothes are saturated with water. But during the rinsing water is sprayed on the clothes for 4 minutes, which inherently saturate the clothes. The claimed process use “comprising” language, which do not exclude other steps. The reference fails to disclose continuously draining the sprayed water from the wash tub during said spraying a predetermined quantity of fresh water.

Morey (4,225,992) discloses a method of washing clothes wherein the water used in the washing and rinsing operation does not fill the basket but rather is only enough to saturate the garments for that they are soaping wet and it also is not recirculated back into the basket but is pumped to an external drain. The fresh water introduced into the basket is at a substantially reduced flow rate relative to the normal wash operation, and the wash and rinse operations are continuous with no centrifugal extraction operation after the continuous wash and rinse operation (see col. 8, lines 60-68).

It would have been obvious at the time the applicant invented the claimed process to include a step of draining the rinse water rather than recirculating the rinse water as disclosed by Morey into the process of Hardaway et al for the purpose of reducing the recontamination of the clothes by recirculated rinse water. Hardaway et al disclose that the water is removed by spinning the basket at high speed. Therefore, one of ordinary skill in the art would expect that by

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spinning longer period of time would remove more water from the clothes and manipulate the spinning period for better and efficient results. Further, one of ordinary skill in the art would manipulate the quantity of water depending on the load size, since smaller load requires less water than the larger load. It well know in the art to rotate the basket about a vertical axis or horizontal axis in the washing machine. Therefore, one of ordinary skill in the art would utilize a vertical or horizontal axis basket for better and efficient results.

**Claims 3, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardaway in view of Morey as applied to claim 1 above, and further in view of Matsumoto et al.**

Hardaway et al and Morey were discussed supra. However, the references fail to pulse the water.

Matsumoto et al (5,768,730) disclose a method for cleaning laundry, wherein jet of liquid is pulsed which causes additional impact on the laundry. Thus enhancing the cleaning effect.

It would have been obvious at the time applicant invented the claimed process to include pulsing the water during spraying as disclosed by Matsumoto et al into the processes of Hardaway et al. to enhance the cleaning effect.

**Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardaway et al in view of Morey as applied to claim 1 above, and further in view of Badger et al.**

Hardaway et al were discussed supra. However, the reference fails to disclose a step of deep fill rinse.



Badger et al (5,737,790) disclose that rinsing phases have customarily included "deep rinse" and/or spray rinse phases. During a deep rinse phase water is admitted to the spin tub to the same level used in the wash phase and the laundry load is agitated in the fresh water before the water is drained and a spin phase is carried out. In comparison, during a spray rinse phase the spin tub is rotated at a relatively high speed while water is sprayed onto the laundry load which is held against the base and walls of the spin tub by the rotation of the spin tub (see col. 1, lines 24-38).

It would have been obvious at the time applicant invented the claimed process to include a deep rinse cycle as disclosed by Badger et al in the process Hardaway et al for the purpose of removing soil and/or detergent from the clothes, which is not removed by the spray rinse cycle.

Applicant's arguments with respect to claims 1-17 have been considered but are deemed to be moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

*Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed T. Chaudhry whose telephone number is (571) 272-1298. The examiner can normally be reached on Monday-Friday from 9:30 A.M. to 4:00 P.M.*

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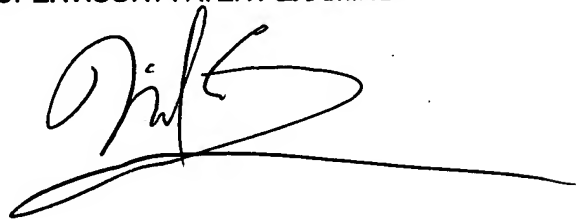
*If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Barr, can be reached on (571)-272-1414. The fax phone number for non-final is (703)-872-9306.*

*When filing a FAX in Gp 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are for entry into the file of the application. This will expedite processing of your papers.*

*Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1700.*

**Saeed T. Chaudhry**  
*Patent Examiner*

**MICHAEL BARR**  
**SUPERVISORY PATENT EXAMINER**

A handwritten signature in black ink, appearing to read 'Mike', with a long horizontal line extending to the right.